IN RE: PETITION FOR ZONING VARIANCE

E/S Falls Road, 2020 ft. +/-

S of c/l Benson Mill Road

15915 Falls Road

5th Election District
3rd Councilmanic District

Richard Zavodny, et al

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 99-65-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 15915 Falls Road in northern Baltimore County. The Petition was filed by Richard Zavodny and Christine M. Shacklette, property owners. Variance relief is requested from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure in the side yard in lieu of the required rear yard and from Section 400.3 of the BCZR to permit the aforesaid accessory structure with a height of 28 ft., in lieu of the maximum allowed 15 ft.

Appearing at the public hearing held for this case were the Petitioners, Richard Zavodny and Christine Shacklette. Also appearing was Sallie M. Waller, a neighbor. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is approximately 12.041 acres in area, zoned R.C.2. This zoning classification is typically applied to rural/agricultural properties and does not permit business/commercial operations. The Petitioners acquired the property earlier this year and are constructing a single family dwelling thereon. The site plan shows that the subject property is an irregularly shaped parcel located near Falls Road and Benson Mill Road in northern Baltimore County. Vehicular access to the property is by way of a lengthy driveway which leads from Falls Road. The Petitioners' proposed dwelling is located near the end of that driveway in the interior of the site.

AND HOLD OF

Mr. Zavodny testified that he proposes building a free standing garage near the dwelling. The garage will be 30 ft. x 35 ft. in dimension and 28 ft. in height. The garage will be constructed so as to architecturally match the dwelling. It was indicated that the garage was needed for storage purposes. Specifically, a second floor will be added to the garage to provide an additional storage area. Mr. Zavodny opined that the garage will be appropriate for this rural locale.

Mrs. Waller, who owns adjacent property, also testified. She indicated no objection to the garage for so long as same was not used for commercial purposes, or as a 2nd dwelling. A similar position was taken by the Office of Planning. Within its Zoning Plans Advisory Committee (ZAC) comment, the office states, "The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities."

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance. This is a rural locale and the property at issue is quite large. The proposed garage appears appropriate for the vicinity and clearly will not cause any detrimental impact on surrounding properties. I am appreciative of the Petitioners' need for storage space, particularly for lawn equipment necessary to maintain this large tract. Thus, the relief shall be granted with restrictions. Specifically, I will require that the Petitioners not use the garage for dwelling purposes and will also prohibit use of the property for commercial/business purposes.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

ORDEN RECEIVED FOR FILING
Dens Control of the contr

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______ day of October 1998 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure in the side yard, in lieu of the required rear yard, and from Section 400.3 of the BCZR to permit the aforesaid accessory structure with a height of 28 ft., in lieu of the maximum allowed 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions.

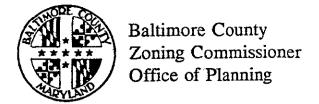
- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3. Consistent with the property's zoning, the Petitioners shall not allow the garage to be used for any business or commercial purposes. There shall be no service garage work performed within the accessory structure, or on the subject property at any time. The property shall not be used as a "construction equipment storage yard" or "contractor's equipment storage yard", as those terms are defined in the BCZR.

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES/mmn



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

October 8, 1998

Mr. Richard Zavodny Ms. Christine M. Shacklette 5708 Old Court Road Baltimore, Maryland 21244

RE: Case No. 99-65-A

Petition for Zoning Variance Location: 15915 Falls Road

Dear Mr. Zavodny and Ms. Shacklette:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn att.



on for

to the Zoning Commissioner of Baltimore County

for the property located at

15915 Falls Road 5th E.D.

which is presently anned

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Saltimore County and which is described in the description and plat strached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 B.C.Z.R. -- To permit an accessory structure in the side yard of

-the principle structure in 110w of the Required reanyand

400.3 B.C.Z.R. — To permit an accessory structure 28 whin height of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

i, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	<i>.</i>	VMe go solemnly declare and affirm, under the paradies of perjury, that I/we are the legal connects) of the property which is the subject of this Febbon.
Contract Purchaser/Lesses:		Legal Owner(s):
(Fype or Print Name)		Richard Zavodny (Type or Fint Name)
Signature		Sprange June
Address		Christine M. Shacklette
Cay	State Zipcace	Aritice Milhacklette
Attorney for Petitioner:	τ.	
(Type or Print Name)	1	5708 Old Court Road (410)561-8905
Sgrawe -	<u> </u>	Baltimore Md 21244 City State Zocode Name, Address and phone number of representative to be command.
Address	Phone No.	Richard Zavodny
City City	State Zococe	5708 Old Court Rd. Balt. Md 21244 (410) 561-8905
	A Park Maria	ESTIMATED LENGTH OF HEARING Unavailable for Hearing
Protect was con-	·	the following dates Hest Two Months
Printed with Saybean link on Recycled Paper	· ·	ALL OTHER DATE 8-6-98

Reasons for Zoning Variance Request:

- 1. Due to the configuration of the existing driveway and the principle dwelling a practical difficulty exists with regards to the placement of the proposed garage in the side yard so as to limit the amount of forest clearing necessary for the construction of the garage and turn around. The proposed garage has been situated in the proposed configuration to take advantage of the existing partially cleared area that lies adjacent to the existing drive. It is the owners desire to limit the amount of forest resources which are cleared so as to maintain the intrinsic value and compatability of the property with those that it adjoins.
- 2. Due to the aforementioned limited area for construction of the proposed garage, and the owners need for additional storage area, it is necessary to configure the structure with the storage area above the automobile parking areas of the garage rather than on the same level. This is proposed so as to limit the size of the buildings footprint and the amount of clearing of forest necessary for its construction. The owners also desire to make the garage architecturally compatible with the two story principal structure.
- 3. Other good and sufficient testimony to be offered at the hearing.



Zoning Description for #15915 Falls Road

Beginning at a point located N 42 degrees 23 minutes 20 seconds West 255.71 feet from the East side of Falls Road (Md Rt 25) which is 28 feet wide at the distance of 2020 feet, more or less, south of the centerline of the nearest improved intersecting street Benson Mill Road. Thence running the following eleven courses and distances:

- 1. North 37 degrees 29 minutes 00 seconds East 1661.87 feet
- 2. South 54 degrees 21 minutes 51 seconds East 490.99 feet
- 3. South 53 degrees 47 minutes 47 seconds East 350,94 feet
- 4. South 06 degrees 23 minutes 14 seconds East 329.52 feet
- 5. South 77 degrees 48 minutes 38 seconds West 164.84 feet
- 6. North 33 degrees 04 minutes 34 seconds West 346.57 feet
- 7. North 75 degrees 59 minutes 50 seconds West 329.61 feet
- 8. South 53 degrees 52 minutes 19 seconds West 395,77 feet
- 9. South 42 degrees 53 minutes 23 seconds West 263,89 feet
- 10 South 61 degrees 27 minutes 15 seconds West 429.00 feet
- 11. South 42 degrees 23 minutes 20 seconds West 272.93 feet

To the place of beginning Containing 12.041 acres, more or less.

As now surveyed by McKee and Associates, Inc., and previously recorded in Deed Liber 5903 folio 432. Also known as #15915 Falls Road located in the Fifth Election District, Third Councilmatic District of Baltimore County, Maryland.



BALTIMORE COUNTY, MARYL/) OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 056114	TAID RESERVED THE
DATE ELAR ACCOUNT AMOUNT \$	Fect-6150	B/04/1998 9/06/1998 14:17:00 RED NOW CHEMIER LEMI LAS INHMER E MISSELLANDE CHEM RECEIPT RESELT N 069753 OFLN OR NO. 056114
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DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CU	99.6 STOMER	5-A CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Manyland on the property identified herein as follows:

Case #99-65-A 15915 Falls Road E/S Falls Road, 2020' +/- S'of centerime Benson Mill Road 5th Election District 3rd Councilmanic District Legal Owner(s):

Richard Zavodny & Christine M. Shacklette

Variance: to permit an accessory structure in the side yard in lieu of the required rear yard; and to permit an accessory structure 28 feet in height in lieu of the allowed maximum of 15 feet.

Hearing: Wednesday, September 23, 1998 at 2:00 p.m., in Room 407, County Courts Bldg., 401 Bostey Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for

2011ing commissioner for Battimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (4110) 887-3391

Please Call (410) 887-3391.

9/014 Sept. 3

C255577

CERTIFICATE OF PUBLICATION

TOWSON, MD.,
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of successive
in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case # 99-65-A
Petitioner/Developer:
(Richard Zavodny)
Date of Hearing/Closing:
(Sept. 23, 1998)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

Sincerely, (Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)

		*	BEFORE THE
RE: PETITION FOR VARIANCE 15915 Falls Road, E/S Falls Rd, 2020' +/- S of c/l Benson Mill Rd, 5th Election District, 3rd Councilmanic		*	ZONING COMMISSIONER
		*	FOR
Legal Owners:	Richard Zavodny and Christine Shacklette	*	BALTIMORE COUNTY
Petition	er(s)	*	Case Number: 99-65-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

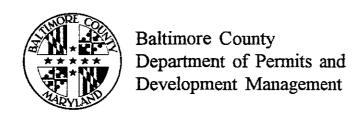
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of August, 1998, a copy of the foregoing Entry of Appearance was mailed to Richard Zavodny and Christine Shacklette, 5708 Old Court Road, Baltimore, MD 21244, Petitioner(s).

PETER MAX ZIMMERMAN



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

August 14, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-65-A

15915 Falls Road

E/S Falls Road, 2020' +/- S of centerline Benson Mill Road

5th Election District - 3rd Councilmanic District

Legal Owner: Richard Zavodny & Christine M. Shacklette

<u>Variance</u> to permit an accessory structure in the side yard in lieu of the required rear yard; and to permit an accessory structure 28 feet in height in lieu of the allowed maximum of 15 feet.

HEARING: Wednesday, September 23, 1998 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

c: Richard Zavodny & Christine Shacklette

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 8, 1998.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

September 3, 1998 Issue - Jeffersonian

Please forward billing to:

Richard Zavodny

410-561-8905

3 Ringleaf Court

Cockeysville, MD 21030

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-65-A

15915 Falls Road

E/S Falls Road, 2020' +/- S of centerline Benson Mill Road

5th Election District - 3rd Councilmanic District

Legal Owner: Richard Zavodny & Christine M. Shacklette

<u>Variance</u> to permit an accessory structure in the side yard in lieu of the required rear yard; and to permit an accessory structure 28 feet in height in lieu of the allowed maximum of 15 feet.

HEARING:

Wednesday, September 23, 1998 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Ā	RNOLD	JABLON,	DIRECTOR
For newspaper advertising:		4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	
Item No.:65			
Petitioner: RICHARD ZAVODNY			
Location: 15915 Folls Rd.			
PLEASE FORWARD ADVERTISING BILL TO:			
NAME: RICHARD BOYODNY			
ADDRESS: 3 RINGLEAF CF.			
Cockeys VILLE MD 210	130		
PHONE NUMBER: 410-561-8905:		_	

AJ:ggs

(Revised 09/24/96)



Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than 8-16-98.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-65-A

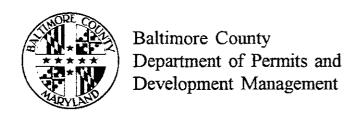
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

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EQUEST: A VAZIANCE TO	DERMIT AN	ALLESSON	ay
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VITH A HEIGHT OF	28ft	IN LIEN	0 F
THE PERMITTED 15 F	<i>f</i>		

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

TO CONFIRM HEARING CALL 887-3391.

HANDICAPPED ACCESSIBLE



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

September 17, 1998

Mr. Richard Zavodny 5708 Old Court Road Baltimore, MD 21244

> RE: Item No.: 65

> > Case No.: 99-65-A

Location: 15915 Falls Road

Dear Mr. Zavodny:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on August 6, 1998.

Advisory Committee (ZAC), which consists Zoning representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures

\$10 g

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

DATE: August 21, 1998

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: 15915 Falls Road

INFORMATION

Item Number:

65

Petitioner:

Richard Zavodny

Zoning:

RC-2

Requested Action:

Variance

Summary of Recommendations:

The Office of Planning supports the applicant's request, subject to the following condition:

1) The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

leftrey W. Long

Section Chief:

AFK/JL

BALTIMORE COUNT

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

To:

PDM

FROM:

R. Bruce Seeley.

Permits and Development Review

SUBJECT: Zoning Advisory Committee

Mesting Date: _(

The Department of Environmental Protection & Resource Management has no Comments for the following Zoning Advisory Committee Items:

Itam #'s: 55

57

62

64

66

67

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: August 21, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for August 24, 1998

Item Nos. 057, 059, 060, 062, 063,

064, (065) 066, and 067

Revised plans (with no review) for

Case #99-24-SPHXA (6350 Frederick Road)

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Partis N. Glendening Governor David L. Winstead Secretary Parker F. Williams Administrator

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County 8.14.9 V RE:

Item No.

065 JCM

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

/~ Ronald Burns, Chief

Engineering Access Permits

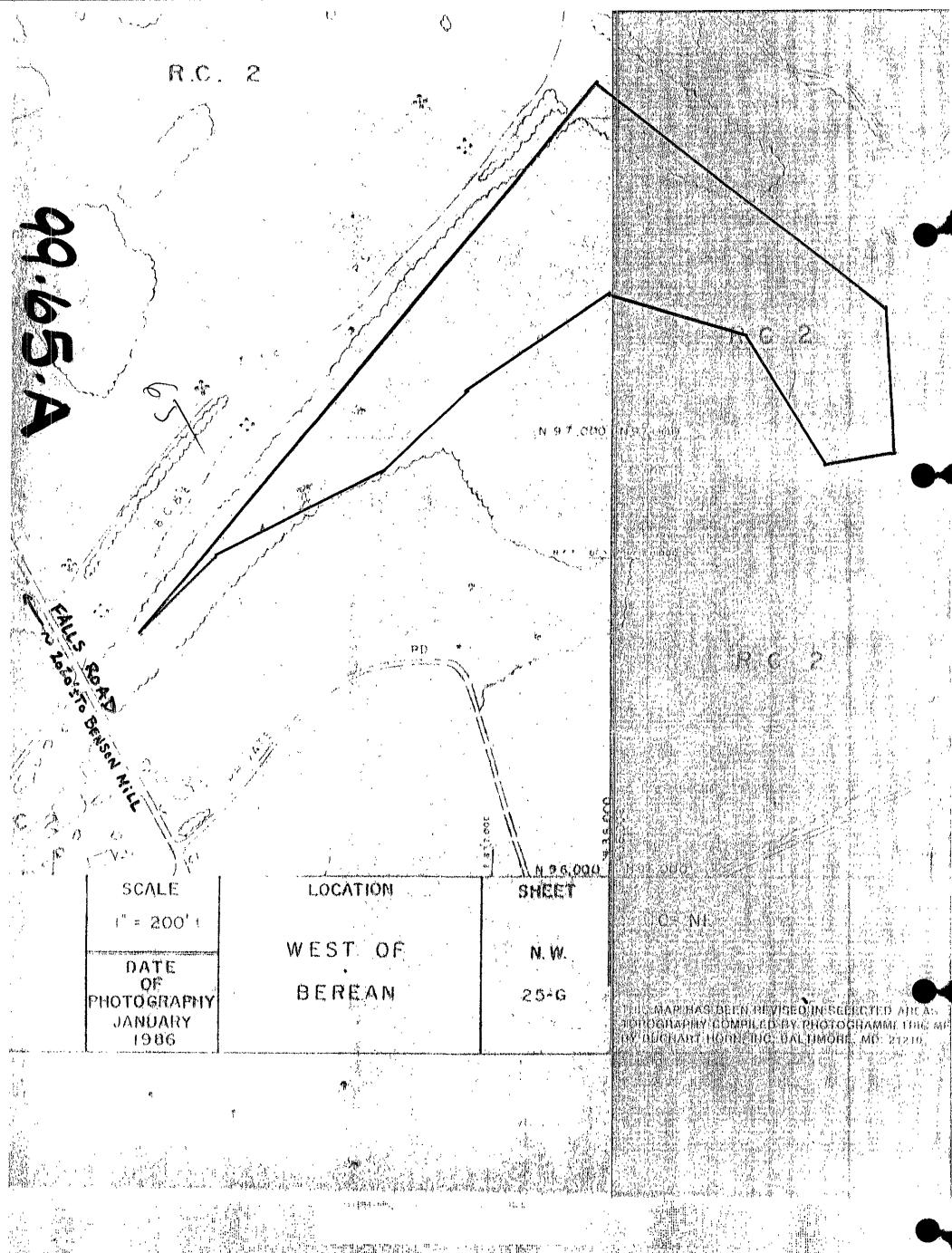
I. J. Soedle

Division

LG

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Christine M. Shacklotte	5708 DId Court Rd Balt MD 5708 DId Court Rd Balt MD 15813 Falls Bd Sparks 21
Richard J. Zavodny	5708 DId Court Rd Bett. MD
Richard J. Zavodny Sallie M. Waller	15813 Falls Bd Sand 21
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PLAT TO ACCOMPANY REQUEST FOR ZONING VARIANCE
ZONING MAPS: NW 25 F AND G

